



~~January 17, 2006 CPC~~
~~March 21, 2006 CPC~~
~~April 18, 2006 CPC~~
May 24, 2006 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

05SR0330

James F. Thacker

Matoaca Magisterial District

4701 and 4801 Woolridge Road

- REQUESTS: I. Renewal of Conditional Use (Case 03AN0102) to permit a bed and breakfast and special events business incidental to a dwelling unit.
- II. Conditional Use Planned Development to permit exceptions to the paving of parking and driveways and driveway widths.

PROPOSED LAND USE:

Continued operation of a bed and breakfast and special events business, as well as residential use are planned.

PLANNING COMMISSION RECOMMENDATION

REQUEST I: RECOMMEND APPROVAL SUBJECT TO THE CONDITIONS ON PAGES 2 THROUGH 4. RECOMMEND THAT THE PROFFERED CONDITIONS NOT BE ACCEPTED.

AYES: MESSRS. WILSON, GECKER, BASS AND LITTON.
NAY: MR. GULLEY.

REQUEST II: RECOMMEND APPROVAL SUBJECT TO THE CONDITION ON PAGE 2.

AYES: UNANIMOUS.

STAFF RECOMMENDATION

REQUEST I: This business was originally permitted by a Special Exception in 2003. After consideration of public input, should the Commission and Board wish to approve this renewal, acceptance of the proffered conditions would be appropriate.

REQUEST II: Recommend approval of the Conditional Use Planned Development with the imposition of the Condition. This recommendation is made for the following reasons:

- A. The Upper Swift Creek Plan suggests the property is appropriate for single-family residential uses. As an interim use, requiring minimal infrastructure would not obstruct future redevelopment of the property consistent with the Plan.
- B. A reduction in impervious surfaces reduces runoff thereby minimizing the environmental impact on Swift Creek Reservoir.
- C. The existing driveway widths and gravel driveway provide adequate access and circulation for emergency vehicles.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.)

CONDITION - FOR THE CONDITIONAL USE PLANNED DEVELOPMENT

(CPC) All "gravel" parking areas and drives as shown on the Master Plan shall have a minimum surface of six (6) inches of No. 21 or 21A stone. (P)

CONDITIONS – FOR THE CONDITIONAL USE

- (CPC) 1. This Conditional Use shall be granted to and for James F. or Paulanne H. Thacker or their immediate family, exclusively, for a period not to exceed three (3) years from the date of approval. (P)
- (CPC) 2. This Conditional Use shall be limited to the operation of a Special Events business and a Bed and Breakfast. (P)
- (CPC) 3. The plan prepared by Balzer and Associates, P.C., revised October 31, 2005 and titled "Celebrations at the Reservoir Affected Area Plan" shall be considered the Master Plan. Other than normal maintenance and cosmetic enhancements, there shall be no exterior additions or alterations to the improvements on this Plan, nor any new construction, to accommodate this use. This is in no way intended to restrict Celebrations

periodic use of tentage with flooring, concourse and marquee as noted within the event areas and parking areas of the Master Plan. (P)

- (CPC) 4. One sign, a maximum of sixteen (16) square feet in area, shall be permitted to identify both the Special Events business and Bed and Breakfast. (P)
- (CPC) 5. Any freestanding lighting shall not exceed twenty (20) feet in height. (P)
- (CPC) 6. The days and hours that the Special Events business shall be open to the public shall be as follows:
- a. Monday and Tuesday, closed, except for 1) nationally recognized holidays which may be open from 9:00 a.m. to 11:00 p.m., and 2) New Year's Eve as noted in 6.e.
 - b. Wednesday and Thursday, from 10:00 a.m. to 11:00 p.m., with any music or live entertainment ending at 10:00 p.m.
 - c. Friday and Saturday, from 10:00 a.m. to 12:00 a.m., with any music or live entertainment ending at 11:00 p.m.
 - d. Sunday, from 12:30 p.m. to 10:00 p.m., with any music or live entertainment ending at 9:00 p.m.
 - e. New Year's Eve, from 12:30 p.m. to 2:00 a.m., with any music or live entertainment ending at 1:00 a.m.
- (CPC) 7. At no time shall more than two hundred eighty three (283) passenger vehicles be on the premises during Special Events. (P)
- (CPC) 8. Within sixty (60) days from the date the Board of Supervisors approves the Conditional Use request, forty-five (45) feet of right-of-way along the East side of Woolridge Road, measured from the centerline of that part of Woolridge Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the County of Chesterfield. (T)
- (CPC) 9. Direct vehicular access from the property to Woolridge Road shall be limited to two (2) entrances/exits, as generally shown on the plan prepared by Balzer and Associates Inc., titled "Celebrations at the Reservoir Affected Area Plan" with a latest revision date of October 31, 2005. Any modification to these access locations shall be approved by the Transportation Department. (T)
- (CPC) 10. The bed and breakfast and special events uses shall be designed and operated so as not to generate noise levels above 50 dB(a), as measured at

the boundaries of the Brandermill Communities and the Highberry Woods, Clipper Cove, Rock Harbour, Red Fern Station, Kingspoint, and Waterviews at the Reservoir Subdivisions; and Tax IDs 717-681-6767; 717-682-6832; 718-681-3676; 718-680-1818; 718-682-9783; 718-685-8949; 719-685-4753; 726-683-2083; and 720-681-0327. (P)

- (CPC) 11. All entertainment for special events shall be limited to recorded music, disk jockey and live musicians limited to soloists or group performances with 5 persons or less without the use of amplification. This condition shall apply subsequent to November 1, 2007. (P)
- (CPC) 12. In the event that Tax ID 720-681-0327 is rezoned and subdivided to permit a residential subdivision the operations of a special events business shall no longer be permitted. (P)
- (CPC) 13. A maximum of five (5) special events per week shall be permitted. Attendance at special events shall be restricted to a maximum of 250 individuals at any one (1) function. (P)

PROFFERED CONDITIONS – FOR CONDITIONAL USE

1. This Conditional Use shall be granted to and for James F. or Paulanne H. Thacker or their immediate family, exclusively, and shall not be transferable or run with the land. (P)
2. Amplified sound equipment shall not exceed a noise level 50 dB(A), as measured at the boundaries of *the Brandermill Communities* and the Highberry Woods, Clipper Cove, Rock Harbour, Red Fern Station, Kingspoint, and Waterviews at the Reservoir Subdivisions; and Tax IDs 717-681-6767; 717-682-6832; 718-681-3676; 718-680-1818; 718-682-9783; 718-685-8949; 719-685-4753; and 726-683-2083. Within sixty (60) days of approval of this request, information shall be submitted to the Planning Department for their review and approval to confirm compliance with this condition. (P)

GENERAL INFORMATION

Location:

East line of Woolridge Road and south line of Swift Creek Reservoir and better known as 4701 and 4801 Woolridge Road. Tax IDs 720-681-Part of 0327; 720-682-0474 and 3924 (Sheets 9 and 15).

Existing Zoning:

A

Size:

42.4 acres

Existing Land Use:

Single family dwellings, areas of assembly and parking areas associated with the existing business from the home.

Adjacent Zoning and Land Use:

North and East - A; Swift Creek Reservoir

South - A; Vacant

West - R-40 and A; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing sixteen (16) inch water line extending along Woolridge Road, adjacent to this site. The public water system is available to serve this site and the Upper Swift Creek Plan recommends the use of public water for all new development. The existing structure is served by a private well and the applicant intends to continue to utilize the existing well to serve this site. County Code requires connecting to the public water system when an existing water line is within 200 feet of a property line and a building permit application has been made for a new structure. Continued use of the existing well is permitted until such time as a new structure is built on-site.

Public Wastewater System:

There is an existing twenty (20) inch wastewater trunk line adjacent to Rock Harbour Road, in Rock Harbour Subdivision, that terminates approximately 2,000 feet southeast of this site. Use of the public wastewater system is recommended by the Upper Swift Creek Plan. However, the public wastewater system is not available to serve this site. The existing structure on the request site is served by a private septic system. The Health Department must approve any new septic system or the expanded use of the existing septic system.

Private Well and Septic Systems:

Use of private wells and septic tanks must be approved by the Health Department.

ENVIRONMENTAL

Drainage and Erosion:

This request will have no impact on these facilities.

Water Quality:

The Department of Environmental Engineering has reviewed the requested exception to the paving of parking areas and certain driveways. Paving would increase runoff thereby leaving less time for the water to soak into the ground. This exception would minimize the environmental impact on Swift Creek.

The Master Plan locates two (2) "Event Areas" (A and C) partially within the 100 foot conservation area of the Resource Protection Area (RPA). These areas may continue to be used as they have over the past several years however, no land disturbance is permitted in these areas. A site visit has confirmed the environmentally-friendly use of the property for both the event areas, grassed parking areas and gravel drives.

PUBLIC FACILITIES

Fire Service:

The Clover Hill Fire Station, Company Number 7, currently provides fire protection and emergency medical services (EMS). The Conditional Use request will have minimal impact upon fire and EMS.

The Fire Department has examined the width of the existing driveways and the condition of the graveled driveway and finds both acceptable for access and circulation by emergency vehicles.

Transportation:

The property (42.4 acres) is currently zoned Agricultural (A), and the applicant is requesting renewal of a Conditional Use to permit a bed and breakfast and special events business on the property (Condition 2). Typical traffic generation information is not available for this use. Vehicles generated by this development will initially be distributed along Woolridge Road, which had a 2005 traffic count of 10,937 vehicles per day.

Sections of Woolridge Road, south of Genito Road, have eighteen (18) to twenty-one (21) foot wide pavement with no shoulders, and guardrail immediately adjacent to the road. The section of Woolridge Road across the Swift Creek Reservoir is not in the State Highway System, and is the responsibility of the county. Based on the current volume of traffic (10,937 VPD), that section of Woolridge Road is at capacity (Level of Service E). No road improvement projects in this part of the county are included in the Six-Year Improvement Plan, except for a project to improve a substandard curve on Woolridge Road south of the Crown Pointe Road intersection. This curve has been identified as a high accident location.

The Thoroughfare Plan identifies Woolridge Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to

dedicate forty-five (45) feet of right of way along Woolridge Road for the entire property frontage, in accordance with that Plan. (Condition 8)

Access to major arterials, such as Woolridge Road, should be controlled. The applicant has proffered that direct vehicular access from the property to Woolridge Road will be limited to two (2) entrances/exits, as generally shown on "Celebrations at the Reservoir Affected Area Plan". (Condition 9)

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for single family residential use of 2.0 units per acre. The Plan is currently being revised. The draft Plan, as recommended by the Planning Department, is consistent with the aforementioned recommendation of the current Plan for this property.

Area Development Trends:

The property is bordered to the north and west by the Swift Creek Reservoir. Properties to the south and west are developed as part of the Woodlake and Kingspoint Subdivisions, are occupied by a single family residences on acreage parcels or are currently vacant. It is anticipated that any future area development would be for residential purposes consistent with the densities recommended by the Plan.

Zoning History:

On September 4, 2002 , the Board of Zoning Appeals approved a Special Exception to operate a bed and breakfast and special events business incidental to a dwelling unit (Case 03AN0102). Conditions limited the operation to the applicants for a period of three (3) years.

On July 2, 2003, as a result of an appeal filed by the applicant, the Board of Zoning Appeals reversed the decision of the Director of Planning regarding the interpretation of the word "employee" referenced in Condition 3 of Case 03AN00102 (Case 03AN0287).

Since approval of Case 03AN0102, the Zoning Ordinance has been amended to require that the requested uses may be allowed through the Conditional Use process.

Uses:

Proffered conditions would restrict the operation to the applicant, his wife or immediate family only (Proffered Condition 1). Condition 1 would similarly restrict the operation, but would limit the time period of the Conditional Use to three (3) years.

Site Design:

Condition 3 would preclude additions and exterior alterations to any structures on the property for this use, thereby limiting the business to the existing improvements noted on the proffered Master Plan. Within "Event Areas" and parking areas as shown on the Plan, tent facilities may be used to accommodate the special events business. Condition 7 would restrict the number of vehicles that could be parked on the site based upon the number of spaces provided.

The Zoning Ordinance requires that driveways and parking areas serving more than four (4) vehicles be paved with concrete, bituminous concrete or similar material. One (1) of the two (2) driveways serving the property is graveled and the majority of the parking areas are either graveled or untreated (grassed). An exception has been requested to permit continued use of these unpaved driveway and parking areas. This exception would facilitate future redevelopment of the property consistent with the suggested residential uses of the Plan and would promote compatibility with existing area residential development (Condition - Conditional Use Planned Development). In addition, this exception would reduce runoff, minimizing the environmental impact on Swift Creek.

The Zoning Ordinance requires that driveways serving one-way traffic be a minimum of twelve (12) feet to fourteen (14) feet in width, depending upon the location of parking served. An exception is requested to reduce this width to a minimum of ten (10) feet. The Fire Department has visited the site and has indicated that the existing driveway widths adequately accommodate the access and circulation of emergency vehicles.

Hours of Operation and Lighting:

Condition 6 would limit the days and hours that the operation is open to the public. Based upon concerns of area residents and the Matoaca District Commissioner, the applicant has further restricted Monday and Tuesday operations and hours for music and live entertainment beyond that previously approved with Case 03AN0102. Condition 13 further limits the number of events per week to a maximum of five (5).

Condition 5 would limit the height of freestanding lights.

Noise:

In an attempt to address concerns of area residents and the Matoaca District Commissioner, the applicant has proffered that the amplified sound equipment will not exceed a noise level of 50 dBA, as measured from the boundaries of the surrounding subdivision developments and acreage parcels (Proffered Condition 2). Proof of such conformance would be submitted to the Planning Department for review and approval. Levels of 65 dBA or lower have been consistently applied to cases where noise-generating uses are neighbored by residential uses.

It should be noted that this proffer addresses only the noise produced by amplified sound equipment; no other noises generated by the operation would be monitored. Further, enforcement of this proffered condition would be difficult, given that noise generators would have to be distinguished.

The Commission was not satisfied that Proffered Condition 2 adequately addressed the noise concerns and therefore, recommended imposition of Condition 10 which establishes a decibel level limitation for all uses on the property.

CONCLUSIONS

This business was originally permitted by a Special Exception in 2003. If this were a new request, staff would not be in support of the use as the property is located in a residential area that is experiencing new growth. This, however, is a renewal of a previously granted Conditional Use. After consideration of public input, should the Commission and Board wish to approve this renewal, imposition of the conditions would be appropriate.

The Upper Swift Creek Plan suggests the property is appropriate for single-family residential uses. The requested exceptions to the paving of parking and driveways and driveway widths would allow this interim use of the property with minimal infrastructure so as not to obstruct future redevelopment of the property consistent with the Plan. Further, less impervious surfaces minimize the environmental impact on Swift Creek. The existing driveway widths and gravel driveway continue to provide adequate access and circulation for emergency vehicles. Given these considerations, approval of the Conditional Use Planned Development is recommended subject to the imposition of the Condition.

CASE HISTORY

Planning Commission Meeting (1/17/06):

The applicant accepted the recommendation. There was opposition and support present. Concerns were expressed relative to the lack of time to review the submitted proffered conditions; noise, hours of operation and the lack of limitation on the size and number of special events; and the impact on area property values. Support was expressed relative to the operation being environmentally sensitive and a good neighbor.

Mr. Gulley indicated that the case included no mechanism to penalize the applicants for violations of conditions; that noise levels were not tested by a certified expert; that there were no limitations on the numbers of people and events, nor a time limit on the operation; that the applicant had not involved affected residents of the Brandermill Community; and that he could not support the case as presented.

Mr. Gecker suggested that the case be deferred to provide the community with time to negotiate conditions that may satisfy their concerns.

Mr. Bass noted that enforcement of the numbers of people attending events is difficult; that he had participated in the noise testing and witnessed improvements in noise levels as suggested by the proffers; and that the case, as proffered, was significantly improved over the original case. Mr. Bass indicated that due to the late submittal of the proffered conditions, he would support a deferral to allow time for concerned residents to work with the applicant on noise issues.

On their own motion, the Commission deferred this case to their March 21, 2006, public hearing.

Staff (1/18/06):

The applicant was advised in writing that any significant new or revised information should be submitted no later than January 25, 2006, for consideration at the Commission's March public hearing.

Applicant (2/17/06):

The applicant's agent advised staff, the Matoaca and Clover Hill Commissioners and a representative of the Riverbirch Trace community in Brandermill that noise testing for the special events operation would be performed by a certified noise engineer on February 22, 2006.

Applicant (2/28/06):

Proffered Condition 6.c. was amended.

Planning Commission Meeting (3/21/06):

On their own motion, the Commission deferred this case to their April 18, 2006, public hearing.

Staff (3/22/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than March 27, 2006, for consideration at the Commission's April 18, 2006, public hearing.

Applicant (3/23/06):

Proffered Condition 10 was amended.

An acoustical study for the special events operation was submitted with recommendation for sound equipment and noise control devices relative to Proffered Condition 10.

Area Property Owners, Applicant, Staff and Matoaca District Commissioner (3/28/06):

A meeting was held to discuss this case, to include a review of the acoustical study and recommendations. Concerns were expressed relative to the lower decibel level results of the acoustical analysis in comparison to the proffered decibel level; the need to implement the recommended noise controls and examine their effectiveness; an additional limitations on the number of special events per day/year and the time period for the Conditional Use.

It was generally agreed that the applicants would re-examine the proffered decibel level.

Applicant (4/3/06):

Proffered Condition 10 was amended.

Applicant (4/18/06):

Revised and additional proffered conditions were submitted.

Planning Commission Meeting (4/18/06):

The applicant did not accept the recommendation. There was support and opposition present. Those in support indicated the applicants provided a service for the community.

Those in opposition expressed concerns that the use does not comply with the Plan; has created noise issues for area property owners; may adversely impact water quality; inability to effectively enforce the zoning conditions; that the conditions allow too many persons to attend events, too many events; and fail to restrict number of employees.

Mr. Gulley expressed concerns that there would be no effective way to measure decibel levels; that the number of days the use would operate is too many; and that the conditions fail to limit the time period for the Conditional Use.

Mr. Gecker indicated that he felt there were concerns yet to be adequately addressed. He suggested that he use be granted for one (1) year.

Mr. Bass indicated that the applicants have attempted to address neighbors' concerns and that there had only been one (1) registered noise complaint to the County in the last year.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission recommended approval of Request I (Conditional Use) subject to the conditions on pages 2 through 4 and that the proffered conditions not be accepted.

AYES: Messrs. Wilson, Gecker Bass and Litton.

NAY: Mr. Gulley.

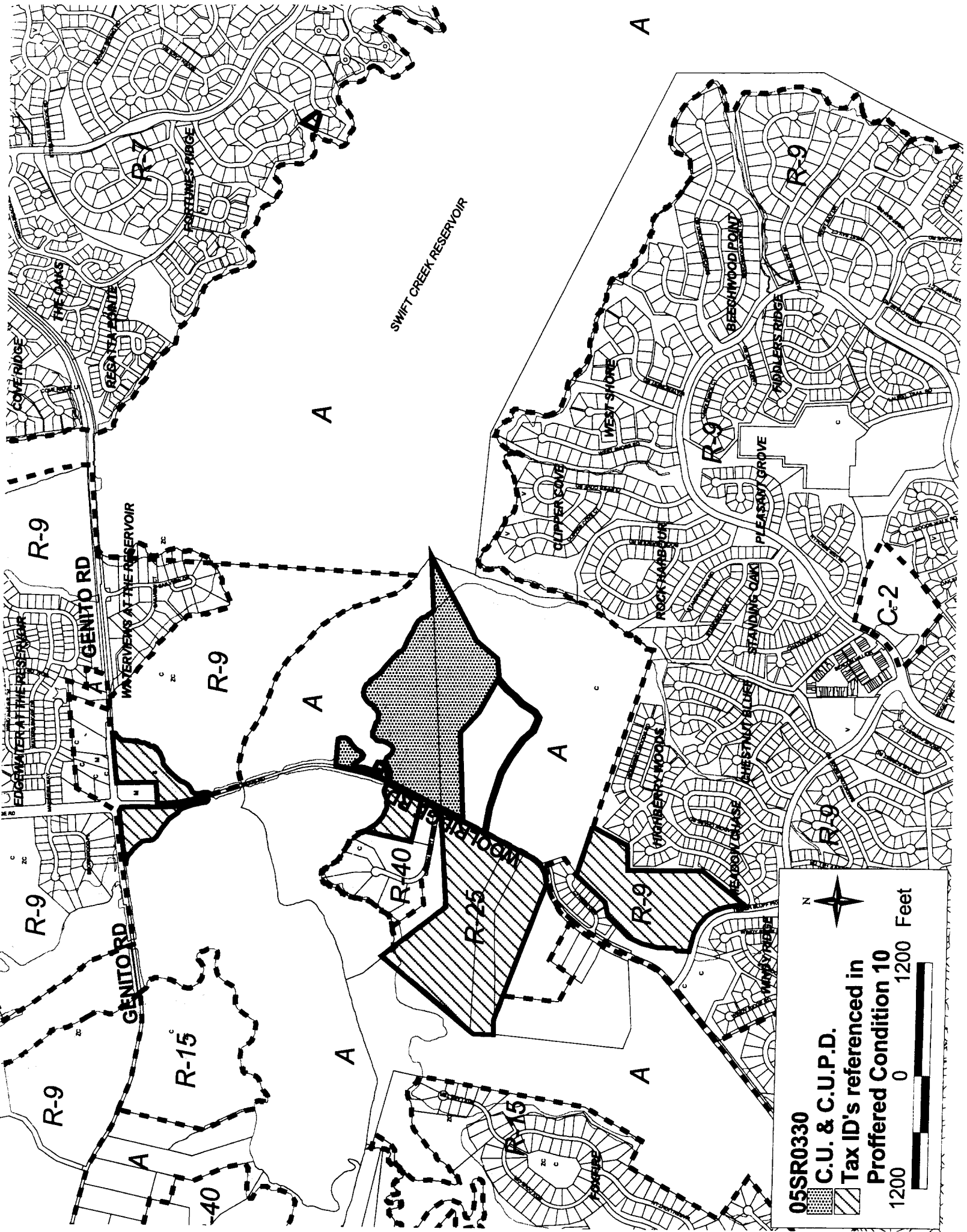
On motion of Mr. Bass, seconded by Mr. Litton, the Commission recommended approval of Request II (Conditional Use Planned Development) subject to the Condition on page 2.

AYES: Unanimous.


Applicant (5/10/06):


With the exception of the two (2) proffers stated herein, all other proffers were withdrawn.

The Board of Supervisors, on Wednesday, May 24, 2006, beginning at 7:00 p.m., will take under consideration this request.



05SR0330

 **C.U. & C.U.P.D.**

 **Tax ID's referenced in**

Proffered Condition 10

1200 0 1200 Feet

